

EXHIBIT H

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March 15, 2022

VIA EMAIL

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Re: Fusion Elite All Stars, et al. v. Varsity Brands, LLC, et al., No. 2:20-cv-02600-SHL-tmp (W.D. Tenn.)

Dear Mark:

We write in response to Plaintiffs' March 2, 2022 Rule 30(b)(6) notice on data topics ("Notice"). Defendants Varsity Brands, LLC, Varsity Spirit, LLC, and Varsity Spirit Fashions & Supplies, LLC (collectively "Varsity") designate Landon Craft to testify on behalf of Varsity on the topics set out in the Notice subject to the conditions and objections set out below and any objections that may be raised at the deposition. Mr. Craft is available for this Rule 30(b)(6) deposition on March 21 or 22, 2022.

General Response and Objections

Varsity does not adopt or agree to Plaintiffs' "Definitions" and "Instructions" set out in the Notice for any purpose. Moreover, neither this response nor any proposed testimony from Varsity on any of the Notice topics shall be construed as a concession of any kind that the information sought is relevant or admissible or that any of the topics, either in their original form or as they may be amended, are appropriate for discovery in general or discovery by Rule 30(b)(6) deposition.

Varsity objects to the Notice's proposed "Relevant Time Period" of January 1, 2011 to the present. As part of the parties' June 22, 2021 resolution of numerous discovery disputes, including the disputes raised in Plaintiffs' motion to compel, Varsity agreed to produce:

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- apparel and competition sales data, from AS400 and Salesforce, including at the team (for competitions) and item levels (for apparel), back to 2011, save for team-level data, which was produced from approximately 2013;
- rebate data back to 2012;
- apparel cost reports back to 2011;
- general ledger data back to 2013, including data on ticket sales back to 2013; and
- data for Worlds, to the extent it existed.

Varsity objects to the discovery of any information outside the time limitations agreed upon by the parties for the data productions set out above. This objection includes the discovery of information regarding data not contained in the agreed-upon productions as well as information regarding systems that stored or used data during time periods not covered by the parties' agreement. To the extent any topic in the Notice does not relate directly to the parties' agreement on the temporal scope of data production, Varsity objects to the discovery of information pre-dating January 1, 2015 or post-dating June 30, 2020.

Moreover, while Varsity agreed to produce certain data back to 2011, Varsity notes that these data and systems are, in some cases, over ten years old. The productions include, for example, data from Varsity's legacy AS400 operating system, which Varsity has abandoned in full or in part for various data usages. Varsity will endeavor to provide non-objectionable information known or reasonably available to Varsity within the temporal scopes set out above, but notes that it is not reasonable to expect that Varsity will have answers to all of Plaintiffs' questions given the passage of time.

Varsity objects to Topics to the extent they ask for information on the "contents" of documents, fields, levels, and data. The contents of the documents, fields, and levels cited in the Notice are the data found in those documents, fields, and levels. It is unclear what else Plaintiffs might mean by "contents." Varsity is willing to have a witness testify generally about what data represent as set out below.

Similarly, Varsity objects to Topics to the extent they ask for information on "the overlap between" or "the relationship(s) between" fields and figures because it is unclear what Plaintiffs mean by those phrases. Varsity is willing to have a witness testify generally on how fields and figures relate to each other in the documents cited in the Notice, including whether data is duplicated elsewhere in the documents and datasets, but without further specification cannot agree to provide a witness to testify about any other non-specified overlap or relationships, technical or substantive, Plaintiffs may have in mind.

Subject to those objections and the objections set out below, Varsity responds as follows:

Notice Topics

Topic 106: Varsity objects to this Topic's descriptions of "AS400," "Nationals," and "SFDC" as "databases." The spreadsheets found at VAR00439289-92 and VAR00010122-27 included data generated by running reports from Varsity's AS400 and Salesforce (also known as Salesforce.com or SFDC) operating systems. Those operating systems contain or connect to

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databases. There is no “Nationals” database per se. Varsity generated the information contained within the Nationals tabs of the referenced spreadsheets by running reports from the AS400 operating system. Varsity also objects to this Topic to the extent it asks for testimony regarding the AS400 and SFDC operating systems unlimited by any further substantive clarification on what information you may be seeking. Subject to those objections, Varsity is willing to provide a witness to testify whether the AS400, Nationals, and SFDC tabs of VAR00439289-92 and VAR00010122-27 reflect all All Star competition events for seasons 2011-2012 through 2019-2020.

Topic 107: Please provide us with the list of the “80 gyms in Varsity’s rebate database (i.e., VAR00352214)” that allegedly do not “contain a ‘customer number’ that is not reflected in the AS400, Nationals, and/or SFDC eventdatasets.” Without that list we are unable to respond to this Topic.

Topic 108: Varsity is willing to provide a witness to testify on this Topic.

Topic 109: Varsity objects to this Topic, and all other Topics that use the terms “nationals” or “non-nationals,” because it is unclear what Plaintiffs mean by those terms. The word “Nationals” in the AS400 tabs of the documents cited in this Topic denotes packaged events (i.e., events where Varsity sold packages consisting of competition entries in combination with other goods or services), regardless of whether the competition had “Nationals” in its name. The “AS400 Customer Data” tabs without the word “Nationals” in these same documents contain non-packaged event data (i.e. events where Varsity sold only competition entries). Subject to this objection and based on how Varsity understands and uses the term “Nationals” in these documents, Varsity is willing to provide a witness to testify on this Topic.

Topic 110: Subject to the objection set out in response to Topic 109 and based on how Varsity understands and uses the term “Nationals” in these documents, Varsity is willing to provide a witness to testify on this Topic.

Topic 111: Subject to the objection set out in response to Topic 109 and based on how Varsity understands and uses the term “Nationals” in these documents, Varsity is willing to provide a witness to testify on this Topic.

Topic 112: Varsity objects to subtopic (a) because the parties’ June 22, 2021 agreement called for the production of general ledger data going back only to 2013, when Varsity began using PeopleSoft as its general ledger platform. Subject to that objection, Varsity is willing to provide a witness to testify on this Topic.

Topic 113: Varsity is willing to provide a witness to testify on this Topic.

Topic 114: Varsity objects to subtopic (b) because it is unclear what Plaintiffs mean by “minimal,” aside from the examples of 0 or 1 provided. Varsity also objects to subpart (c) because it is unclear what Plaintiffs mean by “how these figures are to be distributed.” Subject to those objections, Varsity is willing to provide a witness to testify on this Topic.

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Topic 115: Varsity objects to subtopic (b) because it is unclear what Plaintiffs mean by “minimal,” aside from the examples of 0 or 1 provided. Varsity also objects to subpart (d) because it is unclear what Plaintiffs mean by “how that is allocated.” Varsity also objects to subpart (j) because it is unclear what Plaintiffs mean by “how to be distributed.” Subject to those objections, Varsity is willing to provide a witness to testify on this Topic.

Topic 116: Varsity is willing to provide a witness to testify on this Topic.

Topic 117: Varsity is willing to provide a witness to testify generally about what these data represent and the reason(s) why several of the “event name” values appear to be locations.

Topic 118: Varsity is willing to provide a witness to testify generally about what these data represent and the meaning of duplicate entries in these datasets.

Topic 119: Varsity is willing to provide a witness to testify generally about what the data in VAR00462072 represent and how the data in that document generally relates to the data in VAR00462071 and VAR00462070.

Topic 120: Varsity objects to this Topic because it does not specify what document(s) it is asking about. Assuming this Topic pertains to VAR00462072, Varsity is willing to provide a witness to testify on this Topic.

Sincerely,



Matthew S. Mulqueen

cc: Nicole D. Berkowitz
Grady Garrison
Brendan Gaffney
Steven Kaiser
Katherine Van Dyck
Eric Cramer
Mark Suter
Karin Garvey
Veronica Bosco
Victoria Sims